



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/171915

PRELIMINARY RECITALS

Pursuant to a petition filed February 08, 2016, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to FoodShare benefits (FS), a hearing was held on March 09, 2016, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly calculated the petitioner's February 2016 FS benefits in the amount of \$16, and March 2016 FS benefits in the amount of \$156.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

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Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Milwaukee Enrollment Services
1220 W Vliet St, Room 106
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Milwaukee County. She is a household of two.
2. On January 22, 2016 the agency sent the petitioner a notice stating that her monthly FS benefits would be reduced to \$16 effective February 1, 2016.

3. The petitioner's monthly gross income for February 2016 was \$2,160.22 consisting of \$1,165.30 from her employment, \$568.00 from a W-2 payment, and \$426.92 in child support.
4. The petitioner's pays \$600 in rent. She is responsible for her heat and other utilities.
5. On February 8, 2016 the Division of Hearings and Appeals received the petitioner's Request for Fair Hearing.
6. Effective March 1, 2016 the petitioner no longer received W-2 payments. Her monthly child support also reduced. The petitioner's monthly income effective March 1, 2016 was \$1,539.76 consisting of \$1,165.30 from her employment and \$376.46 in child support. Her rent and expenses remained the same.
7. The agency determined that the petitioner was eligible for \$156 in FS benefits effective March 1, 2016. The petitioner received \$16 in monthly FS benefits loaded onto her QUEST/FS card. The agency issued additional FS for March 2016 bringing the petitioner FS benefits for March 2016 to \$156.
8. The petitioner is listed as open and active in the W-2 program.

DISCUSSION

In calculating the petitioner's FS allotment, the agency must follow a procedure prescribed by the federal FS regulations, and echoed in the Department's *FS Wisconsin Handbook*. The federal rule requires that the county start with gross income, deducting a limited number of identified deductions from that income to calculate the adjusted income. *FSWH*, 1.1.4. The regulations direct that a Standard Deduction be subtracted from income in all FS cases. 7 C.F.R. §273.9(d)(1). The Standard Deduction for a household size of 2 is \$155, per *FS Wisconsin Handbook*, 8.1.3. There are additional deductions including earned income deduction, excess medical and dependent care. 7 C.F.R. §273.9(d)(3). An Excess Shelter Deduction can be subtracted from the income after deductions if allowable shelter expenses exceed half of the adjusted income. 7 C.F.R. §273.9(d)(6)(ii).

I have reviewed the agency's calculations in this case. The agency correctly determined the petitioner's monthly FS benefits for February and March 2016. The petitioner does not disagree with the calculations. Rather, the petitioner argues that she should receive transitional FS benefits. The problem is that the petitioner's W-2 worker never closed the petitioner's W-2 case, which triggers her eligibility for transitional FS benefits. The petitioner's monthly FS benefits will increase if she becomes qualified for transitional FS benefits. The petitioner should follow-up with her W-2 case worker to ensure that the system properly reflects her W-2 case status. If her W-2 case status changes, she should report that change to the agency.

CONCLUSIONS OF LAW

The agency correctly calculated the petitioner's February 2016 FS benefits in the amount of \$16, and March 2016 FS benefits in the amount of \$156.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 14th day of March, 2016

\sCorinne Balter
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on March 14, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability